

***IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON***

UNITED STATES OF AMERICA,

Plaintiff, : Case No. 3:11- cr-61  
- vs - District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

EARL R. SMITH

Defendant. :

---

---

**ORDER ADOPTING REPORT AND RECOMMENDATIONS (DOC. # 19)**

---

---

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #19), to whom this case was referred pursuant to 28 U.S.C. § 636(b) and Fed. R. Crim. P. 59, and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 59(b)(2) has expired, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the Plea Agreement herein and Defendant's plea of guilty pursuant to that agreement are accepted.

s/ Thomas M. Rose

---

Thomas M. Rose  
United States District Judge